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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Fernando Stroppiana
Application No. : 10/637,845
Filed : August 7, 2003
For : PROCESS FOR PRODUCING A COVERING OF AN
ELASTROMER MATERIAL AND INTERMEDIATE PRODUCT
THEREOF

Examiner : Mark Eashoo
Art Unit : 1732
Docket No. : 670091.401
Date : December 20, 2006

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF DR. GIAMPIETRO GAMBINO

Commissioner for Patents:

I, Dr. Giampietro Gambino, hereby declare and affirm as follows:

1. I am the Technical Director of Mondo, S.p.A., which is the assignee of the above referenced patent application. My contact information is provided below:

Dr. Giampietro Gambino
Mondo, S.p.A.
Via Garibaldi, 192
Gallo d'Alba
ITALY I-12060

2. I am over the age of 18, and I am competent to give sworn testimony as a person of ordinary skill in the art and as a person with first-hand knowledge of the subject matter disclosed in the cited reference: European Patent Application No. EP 0 968 804 A2 (hereinafter referred to as “EP 0 968 804 A2”).

3. I have reviewed and understand the present application (U.S. Patent Application Serial No. 10/637,845) and EP 0 968 804 A2.

4. I know and personally operated the processes disclosed EP 0 968 804 A2 and in the present application for manufacturing elastomeric coverings.

5. The process claimed in the present application differs in at least two features from the process disclosed in EP 0 968 804 A2:

a) The process under EP 0 968 804 A2 does not provide for a mixing operation of the granular material until the granular material is rendered substantially chromatically homogeneous; and/or

b) The process under EP 0 968 804 A2 does not provide for the feeding operation by gravity of the chromatically homogeneous granular material to a calender.

Such differences play a fundamental role on the physical characteristics of the coverings so manufactured.

6. The covering obtained with the process of EP 0 968 804 A2 *can* have a “*substantially uniform surface appearance*” (page 3, lines 4-6 of paragraph [0017] of EP 0 968 804 A2) IF AND ONLY IF strips of one single colour are used, while generally if using strips of different colours, the covering of EP 0 968 804 A2 presents a non-uniform appearance.

7. Conversely, the arrangement according to the present application provides for a covering having *chromatically homogeneous* appearance even if strips of different colours are used, which is reflected in claim 1 (for example) of the present application that recites “strips of vulcanizable elastomer material of different colors.”

8. I am herewith enclosing two samples of coverings produced according to the two processes:

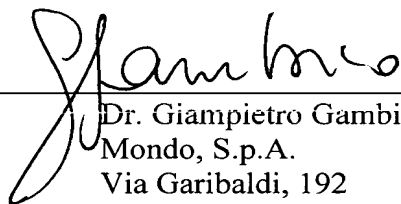
Sample 1, manufactured according to the process of the prior art with strips of different colours, does not show a uniform appearance.

Sample 2, manufactured according to the process of the present application with strips of different colours, presents chromatic homogeneity.

9. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

22 DIC. 2006

Date



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